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By:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re application of Richard V. HALBERT, et al.

DEC 15 2000

Serial No.: 09/677,095

Examiner: Unknown Technology Center 2600

Filed: September 29, 2000

Art Unit: Unknown

For: DYNAMIC MARKET EQUILIBRIUM MANAGEMENT SYSTEM, PROCESS
AND ARTICLE OF MANUFACTURE

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

1. Applicant hereby submits this Information Disclosure Statement in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention.
2. Applicant makes no representation that a search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material.

- Copies enclosed: Copies of the publications listed on the enclosed PTO Form 1449 are being provided with this Information Disclosure Statement.
- At least one of the enclosed publications is not in the English language.
- English translation(s) are enclosed.

Applicants wish to bring to Examiner's attention the following co-pending applications and issued patent:

U.S. Patent Application No. 09/270,219, entitled "Demand Aggregation Through Online Buying Groups," filed on March 15, 1999, Attorney Docket Number MCTA-001/00US, which is assigned to a common assignee;

U.S. Patent Application No. 09/409,237, entitled "System and Method for Extension of Group Buying Throughout the Internet," filed on September 30, 1999, Attorney Docket Number MCTA-003/01US, which is assigned to a common assignee;

U.S. Patent Application No. 09/475,408, entitled "Demand Aggregation Through Online Buying Groups," filed on December 30, 1999, Attorney Docket Number MCTA-001/01US, which is assigned to a common assignee;

U.S. Patent Application No. 09/497,373, entitled "Method and Apparatus for Creating and Managing Groups for Increasing Buying Power on the World Wide Web," filed on February 3, 2000, Attorney Docket Number MCTA-004/01US, which is assigned to a common assignee;

U.S. Patent Application No. 09/519,023, entitled "Dynamic Market Equilibrium Management System, Process and Article of Manufacture," filed on March 3, 2000, Attorney Docket Number MCTA-002/01US, which is assigned to a common assignee;

U.S. Patent Application No. 09/596,921, entitled "System and Method for Enhancing Buyer and Seller Interaction During a Group-Buying Sale," filed on June 19, 2000, Attorney Docket Number MCTA-005/00US, which is assigned to a common assignee;

U.S. Patent Application No. 09/684,403, (Continuation in part of application No. 09/519,023), entitled "On-Line Group-Buying Sale with Increased Value System, Process and Article of Manufacture," filed on October 4, 2000, Attorney Docket Number MCTA-002/03US, which is assigned to a common assignee;

U.S. Patent Application No. 09/686,778, (Continuation in part of application No. 09/409,237), entitled "System and Method for Extension of Group Buying Throughout the Internet," filed on October 10, 2000, Attorney Docket Number MCTA-003/02US, which is assigned to a common assignee;

U.S. Provisional Application No. 60/206,566, entitled "System and Method for Attaining Product Inventory Grouping for Sales in a Group-Buying Environment," filed on May 23, 2000; Attorney Docket Number MCTA-006/00US, and

U.S. Patent No. 6,101,484, which issued on August 8, 2000 in the names of Richard V. Halbert, Niklas Gustafsson and John M. Thrun, entitled "Dynamic Market Equilibrium Management System, Process and Article of Manufacture," Attorney Docket Number MCTA-002/00US, formerly U.S. Application No. 09/281,859.

The entities which have a duty to disclose relevant information to the U.S. Patent and Trademark Office under 37 CFR 1.56 have a belief that third parties may have pending applications of possible interest in the examination of this application. However, these applications are secret in nature, and copies of the applications are not available to the applicants or their representatives. Thus, Applicants are not able to provide copies of the applications with this Information Disclosure Statement ("IDS") and they do not necessarily know the actual subject matter of these third party applications.

Therefore, in accordance with the duty of disclosure, applicants are providing publications, listed on the attached Form PTO 1449, which proclaim that third parties have patent applications. Descriptions of the possible applications of interest are set forth below with reference to the documents listed on the attached Form PTO 1449, where applicable. The information provided herein may allow the PTO to identify the third party applications, and determine if they are prior art, and/or relevant to the present application including determining if they are relevant for interference purposes. The possible third party applications are:

1. An Application to James Grossman, entitled "Correlated Individual Unit Sales Price Reduction Based on Cumulative Sales," U.S. Application 09/250,039, filed on February 12, 1999, (listed on the attached form PTO 1449 as P52); (Applicants have enclosed a copy of PCT No. WO 00/48104, which claims priority from the above mentioned U.S. application, listed on attached Form PTO 1449 as F12, to assist the Examiner in locating the application).
2. An Application to Emanuel A. Leibzon, et al., entitled "Public Network-Based Order Pooling System," U.S. application 09/233,274, filed on January 19, 1999 (listed on the attached Form PTO 1449 as P50); assigned to Innovative Concepts Group, Inc.; (Applicants have enclosed a copy of PCT No. WO 00/43938, which claims priority from the above mentioned U.S. application, listed on attached Form PTO 1449 as F10, to assist the Examiner in locating the application).
3. An Application to Matthew Pallakoff, entitled "On-Line Marketing System and Method," U.S. Provisional Applications 60/097,932 (listed on the attached Form PTO 1449 as P54) and 60/097,933 (listed on the attached Form PTO 1449 as P55), both filed on August 25, 1998; assigned to Accompany, Inc. Accompany, Inc. is believed to have changed its name to Mobshop, Inc. (Applicants have enclosed a copy of PCT No. WO 00/11570, listed on the attached Form PTO 1449 as F1, which claims priority from the above mentioned U.S. application, to assist the Examiner in locating the application).
4. An Application to Jonathan Ehrlich, et al., entitled "Aggregating On-Line Purchase Requests," U.S. Provisional Application 60/118,189, filed on February 1, 1999 (listed on the attached Form PTO 1449 as P57) and U.S. Application 09/249,727 filed on February 13, 1999 (listed on the attached Form PTO 1449 as P51); assigned to Accompany, Inc. Accompany, Inc. is believed to have changed its name to Mobshop, Inc. (Applicants have enclosed a copy of PCT No. WO 00/45318, which claims priority

from the above mentioned U.S. applications, listed on the attached Form PTO 1449 as F11, to assist the Examiner in locating the application).

5. An Application assigned to Accompany, Inc. for which Accompany, now known as MobShop, has received a Notice of Allowance. The application is discussed on Mobshop's website at http://www.mobshop.com/press_release?release=20, a copy of which is attached, and listed on the attached Form PTO 1449 as D69.

6. Applications to Albert R. Subbloie, Jr., et al., entitled "Electronic Commerce Search, Retrieval and Transaction System"; believed to be U.S. Applications 09/191,564, filed on November 13, 1998 and 09/289,322, filed on April 9, 1999; assigned to Buyingedge.com Inc. (Applicants have enclosed a copy of PCT No. WO 00/30004, listed on the attached Form PTO 1449 as F2, to assist the Examiner in locating such applications).

7. An Application to Albert R. Subbloie, Jr., et al., entitled "Electronic Commerce Search, Retrieval and Transaction System"; believed to be U.S. Application 09/191,564, filed on November 13, 1998; assigned to Buyingedge.com Inc. (Applicants have enclosed a copy of PCT No. WO 00/30005, listed on the attached Form PTO 1449 as F3, to assist the Examiner in locating the application).

8. An Application to Jay S. Walker, et al., entitled "Customer Profit Sharing Conditional Purchase Offer (CPO) Management System"; believed to be U.S. Application 09/205,666, filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34841, listed on the attached Form PTO 1449 as F4, to assist the Examiner in locating the application).

9. Applications to Jay S. Walker, et al., entitled "Method and Apparatus for Detecting and Deterring the Submission of Similar Offers in a Commerce System"; believed to be U.S. Applications 09/205,824, filed on December 4, 1998 and 09/224,907, filed on January 4, 1999; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34842, listed on the attached Form PTO 1449 as F5, to assist the Examiner in locating such applications).

10. An Application to Jay S. Walker, et al., entitled "Method and System for Utilizing a Psychographic Questionnaire in a Buyer-Driven Commerce System"; believed to be U.S. Application 09/205,663, filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34843, listed on the attached Form PTO 1449 as F6, to assist the Examiner in locating the application.)

11. An Application to Jay S. Walker, et al., entitled "Dynamic Quality Control Conditional Purchase Offer (CPO) Management System"; believed to be U.S. Application 09/205,824, filed on December 4, 1998; assigned to Priceline.com Incorporated. (Applicants have enclosed a copy of PCT No. WO 00/34886, listed on the attached Form PTO 1449 as F7, to assist the Examiner in locating the application.)

12. An Application to Sashidhar P. Reddi entitled "Method and System for Low Volume Buyers to Aggregate Purchasing Power," claiming priority from U.S. Provisional Application 60/116,920, filed on January 22, and U.S. Application 09/348,812, filed on July 7, 1999; assigned to iCoop, Inc., (listed on the attached PTO 1449 as P53); (Applicants have enclosed a copy of PCT No. WO 00/43928, listed on the attached Form PTO 1449 as F8, to assist the Examiner in locating such applications). The application is discussed on iCoop's website at http://www.icoop.com/press_pressreleases2.htm, a copy of which is attached, and listed on the attached Form PTO 1449 as D70.

13. An Application to Sashidhar P. Reddi, entitled "Method and System for Buyer-initiated Aggregating of Buyers to Obtain Desired Products at Discounted Prices," claiming priority from U.S. Provisional Application 60/116,729, filed on January 22, 1999 and U.S. Application 09/346,783 filed on July 7, 1999; assigned to iCoop, Inc. (Applicants have enclosed a copy of PCT No. WO 00/43929, listed on the attached Form PTO 1449 as F9, to assist the Examiner in determining if such an application exists). The application is discussed on iCoop's website at http://www.icoop.com/press_pressreleases2.htm, a copy of which is attached, and listed on the attached Form PTO 1449 as D70.

14. An Application to John F. Link et al., entitled "System and Method for the Near-Real Time Capture and Reporting of Large Population Consumer Behaviors Concerning Television Use," believed to be U.S. Application 09/280,035, filed on March 29, 1999, assigned to QVC, INC. (Applicants have enclosed a copy of PCT No. WO 00/59224, listed on the attached form PTO 1449 as F13, to assist the Examiner in locating the application.

15. An Application assigned to beMANY!, Inc., filing date unknown, possibly naming George Jankovic, Mircea Mihaescu, William Robinson, Virginia Bonker, Bradley Feld, Michael Hagan, Thomas Gieselmann, Patti Manual Hart, and/or Charles Katzas as inventors. See the press release from beMANY! included with this IDS and listed on the Form PTO 1449 as D71.

16. An Application assigned to BazaarE.com, Inc., possibly naming Dr. Bala Veeramacheneni, Anil Kadiyala, Srikanth Chimata, Vishy Ganti, and Vamsi Naidu as inventors, and/or possibly listing Wilson Sonsini Goodrich & Rosati as attorneys of record. See the press release from BazaarE.com, Inc. included with this IDS and listed on the Form PTO 1449 as D72.

17. An Application to Yossi Gliksman on an "Aggregator Driven" business model.

18. An Application assigned to Savvio, Inc. (believed to also have used the names I-Countdown, LG Group, and Athena Technology Ventures), filing date unknown, possibly naming Karen Ha, Leonard "Leo" D. Spelt, Scott Gorton, Basem Asfoor, Edward Komissarchik, Gary Mansperger, as inventors. See the press release from Savvio.com included with this IDS and listed on Form PTO 1449 as D82.

19. An Application to Thomas P. Murphy with a possible co-inventor Steven Baker, may be assigned to AutoSavings.net, inc. or Southpaw Occupational Solutions possibly known as "SOS", attorneys of record may be Hunton and Williams.

The subject application is believed patentable over any of the above references.

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TLE:dm

Enclosures: 1. Form PTO 1449
2. Copies of references cited on Form PTO-1449

Respectfully submitted,
COOLEY GODWARD LLP

By:


Thomas L. Ewing
Reg. No. 34,328

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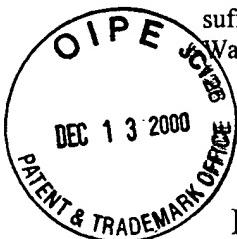
Attorney Docket No: MCTA-002/02US

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INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

1. Transmitted herewith are:

- Information Disclosure Statement
- PTO Form 1449
- Copies of publications listed on the PTO Form 1449
- English translation of foreign language reference(s)

2. [X] This Information Disclosure Statement is filed before the later of:

- three months from the filing date of this national application;
- In accordance with 37 CFR 1.97(b), no fee is required.

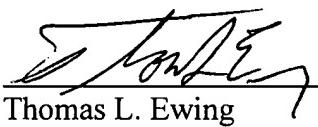
3. Fees

- [X] No fee is required.
- [X] The Commissioner is hereby authorized to charge any underpayment or credit any overpayment of the patent application processing fees under 37 CFR 1.17 associated with this communication to Deposit Account No. 03-3117.

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Respectfully submitted,
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